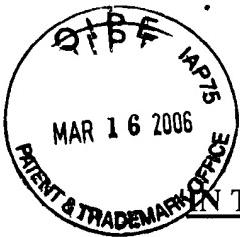


JAP6 Rec'd/CT/PTO 16 MAR 2006 #3

Attorney Docket No. UCIVN-025US-1



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Breen, Peter H. )  
U.S. App. No.: 10/530,603 ✓ )  
Int. App. No.: PCT/US03/32654 )  
Int. Filing Date: 10/14/2003 )  
For: Stand-Alone Circle Circuit with )  
CO<sub>2</sub> Absorption and Sensitive )  
Spirometry for Measurement of )  
Pulmonary Uptake )

Art Unit: Unassigned

Examiner: Unassigned

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2006.

By:

Nancy V. McElrath

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Notification of Missing Requirements  
under 35 U.S.C. 371 in the United States Designated/Elected Office**

03/21/2006 MKAYPAGH 00000142 10530603

02 FC:2254

795.00 OP

2

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office dated September 9, 2006:

- Enclosed is a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office dated September 9, 2006.
  - Enclosed is a Declaration of Inventorship and Limited Power of Attorney.
  - Enclosed is a Power of Attorney by Assignee and Exclusion of Inventor(s) under 37 C.F.R. 3.71.
  - Check No. 3997 in the amount of \$860 (\$65 surcharge and \$795 extension fee).  
sp
  - Applicant hereby claims small entity status.

03/21/2006 MKAYPAGH 00000142 10530803

-1-

01 FC:2617

65.00 0?

02/21/2008 EKAYPASH 00000142 16536503

- The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP



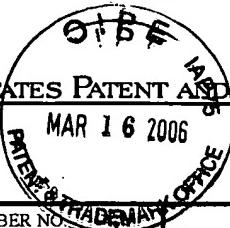
Date: March 9, 2006

Robert D. Buyan, Reg. No. 32,460

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*Patt \$*

## UNITED STATES PATENT AND TRADEMARK OFFICE



MAR 16 2006

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/530,603	Peter H Breen	UCIVN-025

INTERNATIONAL APPLICATION NO.

PCT/US03/32654

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

10/14/2003 10/11/2002

33197  
 STOUT, UXA, BUYAN & MULLINS LLP  
 4 VENTURE, SUITE 300  
 IRVINE, CA 92618

CONFIRMATION NO. 7178

371 FORMALITIES LETTER

\*OC000000016943860\*

\*OC000000016943860\*

*Response Due 11/1/05*

Date Mailed: 09/09/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/07/2005
- Small Entity Statement filed on 04/07/2005
- U.S. Basic National Fees filed on 04/07/2005
- Priority Documents filed on 04/07/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

Additionally the following defects have been observed:

SEP 12 2005

- The International Search Report has not been supplied, the Search Fee has been adjusted to reflect this omission.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

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Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/530,603	PCT/US03/32654	

FORM PCT/DO/EO/905 (371 Formalities Notice)